

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

THE BERKSHIRE GAS COMPANY

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D.T.E. 02-19

**MOTION FOR EXTENSION OF CONFIDENTIAL TREATMENT
OF THE BERKSHIRE GAS COMPANY**

The Berkshire Gas Company ("Berkshire" or "Company") hereby requests that the Department of Telecommunications and Energy ("Department") extend its grant of confidential treatment of certain contractual provisions and evidentiary matters granted in a Hearing Officer's ruling on May 24, 2002 in the above-captioned proceeding. In support of its Motion, the Company states the following:

1. The Company is a gas company organized under the laws of the Commonwealth of Massachusetts and engaged in the business of selling and distributing gas at retail in Massachusetts.
2. The Company is represented by James M. Avery, Esquire, of Brown Rudnick Berlack Israels LLP, One Financial Center, Boston, Massachusetts 02111.
3. On April 5, 2002, the Company filed a Gas Portfolio Optimization Agreement between BP Energy Company ("BP Energy") dated as of March 25, 2002 (the "Portfolio Agreement") and a Gas Sales and Purchase Agreement (the "Purchase Agreement") between the Company and BP Energy also dated as of March 25, 2002. In an Order dated September 30, 2002 in this proceeding (the "Order"), the Department approved these agreements finding that the Portfolio Agreement was "likely to benefit Berkshire's customers" and that the Purchase Agreement was "consistent with Berkshire's resource portfolio objectives." See, Order pp. 16, 20.
4. During the proceeding, the Department's Hearing Officer granted the Company's Motion for Confidential Treatment relating to certain confidential, competitively sensitive or other proprietary information provided in the course of the proceedings conducted in order to review the Portfolio Agreement and the Purchase Agreement. See May 24, 2002 Transcript, p. 5.

5. On April 27, 2004, the Company filed a new Gas Portfolio Optimization Agreement and Gas Sales and Purchase Agreement (collectively, the "2004 Agreements") for review and approval of the Department. The 2004 Agreements were also executed with BP Energy after a competitive solicitation and covered a term beginning on April 1, 2004 and terminating March 31, 2007. The 2004 Agreements are similar in form, structure and pricing provisions to the agreements approved in docket D.T.E. 01-41 and docket D.T.E. 02-19.
6. Given the substantial similarity of the agreements and the Hearing Officer's ruling in this proceeding, it is necessary and appropriate for the protected treatment granted in docket D.T.E. 02-19 to extend for, at a minimum, a period commensurate with the terms of the 2004 Agreements. Accordingly, for all the reasons also stated in the Company's original motion, the Company respectfully requests that the Department extend the confidential and protected treatment accorded to certain provisions of the agreements approved in docket D.T.E. 02-19 and certain other evidence submitted in that proceeding, for a period coincidental with the confidential treatment granted with respect to any confidential materials in or associated with the 2004 Agreements.

WHEREFORE, the Company respectfully requests that the Department grant its Motion for Extension of Confidential Treatment and, further, that the Department grant such other relief as it may deem necessary or appropriate.

Respectfully submitted,

THE BERKSHIRE GAS COMPANY

By its attorneys,

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Dated: April 27, 2004